

Appl. No. 09/703,809  
Amdt. Dated June 10, 2004  
Response to Office Action of March 10, 2004

### **Remarks/Arguments**

Claims 97 and 107 have been canceled. Claims 86-96 and 97-106 remain pending in this application.

### **Objections to the Claims**

Applicant has amended claims 89, 93, 100, 103 and 104 to overcome certain informalities. No new matter is included by this amendment and withdrawal of the objection is respectfully requested.

### **Rejections under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph**

Applicant has canceled claim 107.

### **Rejections under 35 U.S.C. § 112, 1<sup>st</sup> Paragraph, Written Description**

Claims 86-88, 90, 91, 93-99, 101, 102 and 104-107 have been rejected under 35 U.S.C. § 112. The claims as amended overcome the rejection.

As regards transcription factors, Applicant strongly disagrees with the assertion that there is insufficient written description and information available in the art regarding structure/function relationships for claiming protein variants as disclosed and claimed by the present applicant. The scope of the current claims is supported by the numerous known structural features of transcription factors, e.g., the well-known domains of transcription factors that have been compared by others and in the present application and serve as the basis for numerous structure/function studies, e.g., using the well-known yeast-two hybrid system. Many of these transcription factors have even been crystallized and domains compared.

The current specification states clearly that these types of changes are conducted routinely in the art, and provides specific guidance as to what changes should be made, e.g., to the subunits and/or the other structural features that the skilled artisan will recognize as summarized in FIGs 8A, 8B, 9 as described and supported with studies and description in the specification. Structural features that distinguish specific compounds in the genus from others in the protein class are taught in the specification. Examples of common structural attributes that define the genus include: conserved regions I and IV, acidic region III, proline, serine and threonine rich regions

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as well as clathrin-like domains. Furthermore, conservative amino acid substitutions are well-known in the art. Using general knowledge and the level of skill in the art it would be possible to, e.g., swap domains and/or individual amino acids from the factors that fall within the percentages of identity as claimed. The Guidelines provide that a significant number of structural differences between genus members is permitted. Applicant respectfully requests that evidence be produced to rebut the detailed, conserved features disclosed in the specification as summarized hereinabove or that the rejection be withdrawn. Applicant respectfully requests withdrawal of the rejection and allowance of claims.

**Rejections under 35 U.S.C. § 112, 1<sup>st</sup> Paragraph, Enablement**

Claims 86-88, 90, 91, 93-99, 101, 102 and 104-107 have been rejected under 35 U.S.C. § 112, 1<sup>st</sup> paragraph for lack of enablement. The claims have been amended to include a transcription factor, which is enabled throughout the specification, e.g., pages 21-23, and FIGs 8A, 8B and 9 and in *in vitro* translation assays, including both native and fusion proteins. As part of a common nucleus of facts, the above discussion is incorporated herein by reference. As with the rejection for lack of written description, the Applicant respectfully requests that evidence be produced to rebut the detailed, conserved features disclosed in the specification as summarized hereinabove and incorporated by reference or that the rejection be withdrawn. Therefore, withdrawal of the rejection and allowance of the claims is respectfully requested.

**Rejections under 35 U.S.C. § 102**

Claims 104-107 have been rejected over Ma. The claims as amended overcome the art cited. Therefore, withdrawal of the rejection and allowance of the claims is respectfully requested.

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### Conclusion


Applicant respectfully requests that the Examiner reconsider and withdraw the outstanding objections and rejections, and allow claims 86-96 and 97-106. Applicant also requests that the Examiner call the undersigned for any reason that might advance this application to issue.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple independent claims. Accordingly, no fee based on the number or type of claims is currently due.

Dated this June 10, 2004.

Respectfully submitted,

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